

CAREGIVERS AND THE COURTS:
**Improving Court Decisions Affecting Children in Foster
Care**

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by

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EXECUTIVE SUMMARY

This report presents findings from a collaborative project of the Center for Families, Children & the Courts (CFCC), Administrative Office of the Courts, and the National Center for Youth Law (NCYL). CFCC and NCYL conducted this research study for the David and Lucile Packard Foundation in order to better understand how training caregivers within the child welfare system (i.e., foster parents, foster-adopt parents, and kin caregivers) impacts caregiver participation in juvenile court hearings and outcomes for children in care.

The 1997 passage of the federal Adoption and Safe Families Act (ASFA) greatly expanded opportunities throughout the country for foster parents and relatives caring for dependent children to participate in juvenile court hearings regarding the children in their homes. As a requirement of receiving federal foster care funds, ASFA requires that states provide foster parents, including foster-adopt parents and kin caregivers, with notice and an opportunity to be heard in any review or hearing to be held with respect to the child in their care. In California, caregivers may attend all hearings or submit information to the court in writing. California law already required that caregivers receive timely notice of review hearings, but the passage of ASFA placed this issue under increased scrutiny within the state.

The primary purpose of this study was to examine how training in the dependency court process affects caregivers' knowledge and attitudes about participating in court hearings and the likelihood that they will participate. In addition, the study began to explore in a qualitative way what factors determine how information from caregivers is or could be used in decision making, and what effects might caregiver participation have on the well being of children in care.

Methods

Between October 2000 and March 2001, a sample of 205 caregivers in five California counties and at the annual state foster parent association conference received training in the dependency court process and their rights and

responsibilities within that process.¹ These caregivers were assessed before and after the training to determine the impacts of training on attitudes and knowledge about the court process. A subset of 61 of these caregivers was recontacted by telephone six months after training to assess knowledge retention and the impact of the training on court participation. Additional caregivers in four counties were interviewed in focused group discussions to explore their experiences in court, their relationships with other system participants (birth parents, caseworkers, and attorneys), and the process of sharing information about children in care. Focus groups of social workers and attorneys were also held to explore their perceptions of the value of caregiver input for case planning and their perspectives on the pros and cons of caregiver involvement in court. Eleven judicial officers (judges, commissioners, and referees) were interviewed at length to better understand the role of caregiver information in judicial decision making. Finally, eight caregiver families were interviewed in depth about their experiences in court, and they were observed over the course of nine months during their participation in court, in order to develop a more detailed understanding of how caregiver participation may or may not improve court decisions affecting children in foster care.

It is important to note that the caregivers who attended training were a self-selected sample of individuals who received information about the training and who attended voluntarily. Thus they cannot be considered representative of all caregivers in the counties studied or of caregivers overall. FFA families, in particular, were underrepresented in the study sample. In addition, the caregivers contacted by telephone for the follow-up survey were a relatively small subset (30 percent) of the trainees. Still, the very large differences in knowledge pre- and post-training, and the clear retention of knowledge over the six months after training, among the subjects that were surveyed suggests very strongly that these caregivers learned what they were taught and they retained that knowledge over time.

The remainder of the findings presented in this report are, of course, qualitative, and thus cannot be assumed to be representative of caregivers, social workers, attorneys, or judges in general. Many of the social workers and attorneys

¹ The four core counties for the project were San Diego, San Francisco, Santa Clara, and Sonoma, and all of the telephone surveys, focus groups, judicial interviews, and case studies were conducted in these four counties. However, 31 subjects from Santa Cruz County or the state foster parent conference held in October 2000 were included in the sample for the pre- and post-training assessment in order to increase the sample size.

appeared to be guarded in their comments during the focus groups. The caregivers, on the other hand, were remarkably candid in their comments and observations. The case study participants, in particular, were consistently open and willing to discuss almost any aspect of their foster care and court experiences. As much as possible, the researchers relied on actual quotes from interview participants to illustrate their views and bring their experiences to life. Thus, although the results cannot be generalized to a larger population, they do richly illustrate a range of experiences and views of court participants, and they raise important questions for future research and policymaking.

This study represents an important first step in beginning to understand how and why caregivers participate in the court process and what are the impacts of that participation. As is typical of other exploratory studies, the findings presented here cannot be generalized to definitive conclusions about when and how caregivers should appear in court. However, the results do suggest that many caregivers want to and will attend court if given the opportunity and support to do so, that such participation certainly affects caregivers' sense of efficacy and involvement, and that it can affect judicial decision making and, ultimately, the welfare of children.

Findings

Caregivers' Knowledge, Attitudes, and Participation in Court

Since the mid-1990s, written notices of court hearings have been required by law to be provided to caregivers. Despite the law, however, one-third of this sample of foster care providers said they had not received any written notices of court hearings during the past two years. Still, more than half had attended court during that time period, and those who did generally saw it as a positive experience. These caregivers placed a high value on court participation and they were not deterred from attending court by potential barriers such as time or cost. Those who went to court said they did so to show their dedication to the child and to give and receive information. The follow-up survey of a subsample of training participants found that 40 percent of those who had not gone to court in the past did go to court in the six months after the training, suggesting that the training may have encouraged them to do so.

Caregivers who attended training were quite knowledgeable about their rights to receive notice and be heard, and about what types of information they should provide to and receive from the court. Nevertheless, the training produced significant increases (9 to 18 percentage points) in knowledge in these areas.

The areas in which caregivers were less knowledgeable included aspects of *de facto* parent status, issues regarding education and medical care that applied to school age and older children, and specific aspects of courtroom procedures such as how much

time they might be given to speak and what parties have access to information submitted by caregivers. The training resulted in very large increases (28 to 51 percentage points) in knowledge in these areas. Retention of knowledge six months after the training was very high, with the proportion of caregivers answering correctly for each question surveyed ranging from 80 percent to 97 percent. The training reinforced the perception

among caregivers that their presence in court is important and beneficial for children in care. Paralleling the significant increases in actual knowledge that occurred as a result of training, the training also increased caregivers' self-perceptions that they were knowledgeable about the court process and it increased their confidence in attending court. Positive attitude changes remained stable over the six-month period following the training.

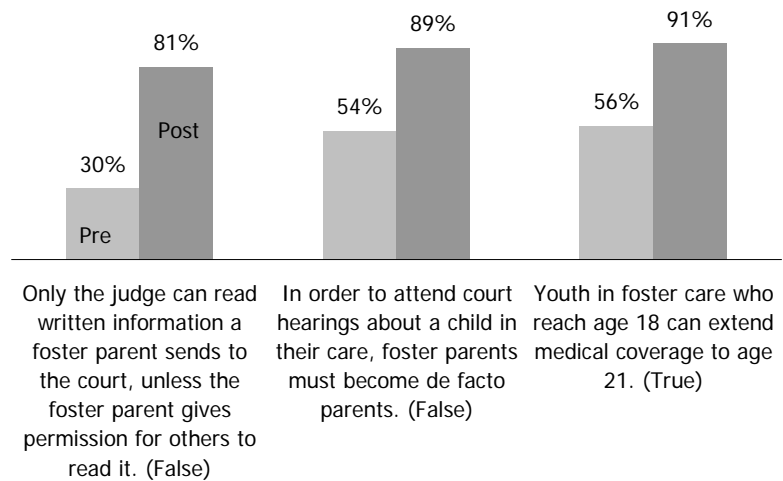


Figure 1. Percentage of Correct Answers on Selected Knowledge Points

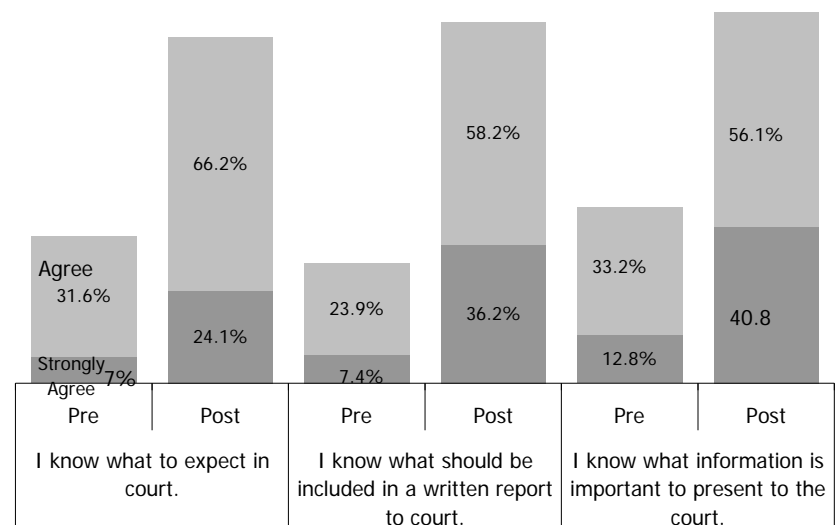


Figure 2. Selected Attitudes About Appearing in Court

Caregiver Focus Groups

The caregivers interviewed perceived a serious imbalance in the way information about foster children is disseminated. They saw themselves as being far more knowledgeable than attorneys and social workers about the children in their care but having the least access to information about their children's cases. In addition, although they very much wanted to be a part of the case planning team, they felt that their expertise often was ignored or contradicted in case planning. Their decisions to attend court appeared, for the most part, to be reactions to perceived problems. That is, they went to court because, in their opinion, they were not receiving the information they believed should be forthcoming, their foster children were not receiving the services they thought they should be receiving, or the feedback they provided was not being incorporated into case planning.

Caregiver Case Studies

Caregivers interviewed for the eight case studies said they attended court for a variety of reasons—to stay informed about the case, to make certain that correct information was being presented to the court, and to show concern and support for the child. Underlying six of the eight cases were perceived communication problems with social workers, that is, that social workers either were not providing caregivers with enough or correct information about their children's cases, that they were not utilizing the information caregivers provided to them in their reports to the court, or in three cases that they were providing false information to the court.

Once caregivers began attending court, they typically attended all of the hearings that occurred for their children's cases—ranging from 2 to 10 hearings for each caregiver family over the course of the nine months of this project. In four cases, only one caregiver attended court because the other one needed to go to work or stay home to care for the children. Waiting times for hearings were long, lasting anywhere from one to four hours, and several times cases were continued for procedural reasons—such as lack of notice or improper notice to birth parents—that could have been avoided. In the courtroom, caregivers were usually, but not always, announced to the court by the court officer, and they typically sat at the back of the room in the observers' section or in the jury box. Judges usually nodded to them or said good morning but did not acknowledge them in any other

way. Only in one case did the judge routinely ask the foster parent if she had anything to say.

In four cases the caregivers submitted statements in writing to the court. All of these statements outlined concerns about behaviors of the birth parents that were detrimental to the children. In one case the caregivers also wrote statements in support of their desire to become legal guardians for their foster children. Several of these caregivers mentioned that the Caregivers and the Courts training had helped them understand how to formulate and submit their statements. These statements were, for the most part, clear, well written, and quite professional in their tone and in their contents.

In five of the eight cases the caregivers applied for and were granted *de facto* parent status in order to be a party to the proceedings; however, in only three of these cases did they actually participate in court (that is, move to the main table with the other parties and receive copies of court reports). In the other two cases, *de facto* parent status seemed to make no difference—the caregivers continued to sit at the back of the courtroom and simply observe the proceedings. Only one *de facto* parent was represented by an attorney (who was appointed by the court). In only three of the eight cases did the caregivers speak in court. One was routinely asked whether she had anything to say, and she spoke at every hearing. Another spoke once to request that hearings for her three granddaughters be held together rather than on separate days (her request was granted). The third one spoke once, very late in the case, to object to a judge's decision to grant overnight visits to a birth parent (the judge then decided not to grant the visits).

Four of the eight caregivers definitely believe that their participation in court—either in writing or in person—had an impact on the outcomes for children in their care. In the first case the caregivers believe that essential information about the birth parents' behavior during visitation would not have gotten to the court if they had not written. In addition, the foster father was able to develop a relationship with the birth father and the maternal grandmother while waiting at court, which ultimately resulted in their approval of the child's adoption. In the second case, the caregiver believes that she provided essential information to social workers about what occurred in court (since they did not attend court), and that her constant contact with the social workers and her presence in court kept social workers focused on the case and "moving things along." In the third case, the caregiver's active participation in court appears to have influenced the judge to push for guardianship for one child (and therefore permanence) faster than the

social worker recommended, and to grant guardianship for two other children rather than placement with relatives with whom the children had had no contact. Finally, in the fourth case, the caregivers provided essential information to the court regarding the birth mother's lack of visits with the children that they believe would have never gotten to the court if they had not submitted it.

All but one of the other four caregiver families believe that it was important for them to go to court, even if it did not seem to make a difference in their children's cases. One caregiver who is planning to adopt her foster child believes it was important to attend court to gather as much information as possible about the child's case so that he will have this information when he is older. Another family attended court at the urging of the FFA agency in order to show their concern for the children and their desire to provide them with a permanent home. A third family attended only to observe the proceedings, but now they wish they had retained an attorney and become active participants in the proceedings, as it appears that their foster-adopt children (who have been with them for 20 months) may now be returned to the birth father who has never had custody of them since they were born. Finally, only one caregiver stated that her attendance at court was "basically a waste of time," since she only observed the proceedings and because of the layout of the courtroom sometimes could not even hear what happened in court. She likes the idea of submitting information to the court in writing, however, and she plans to do so with another foster child, now that a form for doing so is available for caregivers.

Social Worker Focus Groups

The social workers interviewed for this study said they rely heavily on caregivers, particularly nonrelative foster parents, for information about children's development, adjustment to placement, medical and educational needs, and visits with birth parents. In general, they believed that caregivers should have access to any information they need in order to care for the child, but they said that such information does not always get to caregivers in writing or in a timely way. There was a consensus among social workers that caregivers should not receive detailed information about birth parents and should not have access to court reports. Workers cited issues of confidentiality but also that caregivers are less likely to support reunification the more they know about the case.

The social workers interviewed generally did not want caregivers involved in case planning, and they were not enthusiastic about having them attend court. The

consensus was that having caregivers in court “complicates things,” “muddies the waters,” and “makes things very messy.” Their primary concerns had to do with controlling the flow of information to the court, avoiding breaching confidentiality of birth parents, and avoiding “surprises” that might result in continuances or problems for the social worker. Several of them noted that there would be no reason for caregivers to come to court unless they had a problem with the worker’s recommendation, that is, “unless their plan is not our plan.” The idea of caregivers attending court appeared to give rise control issues and at a fundamental level seemed very threatening to these social workers.

Attorney Focus Groups

Attorneys differed in their opinions on the issues raised in the focus groups, depending on whether they represented children, parents, or county child welfare agencies. Children’s attorneys tended to rely a great deal on information from caregivers in preparing for court, and many had frequent contact with caregivers. Parents’ attorneys and county counsel, on the other hand, had very little contact with caregivers and very little knowledge of their role in the exchange of information about children. The types of information children’s attorneys found useful from caregivers centered on the development and adjustment of the child and were similar to the sorts of information social workers thought was useful. A number of parents’ attorneys noted that they were the least likely to get information about the children in their cases, and they suggested that there should be a mechanism for them to obtain information about these children from caregivers as well. Attorneys tended to stereotype caregivers depending on whether they were “professional foster parents,” foster-adopt parents, or kin caregivers, and they were more likely to discount information from foster-adopt and kin caregivers—especially information about birth parents.

Attorneys’ opinions about what information caregivers should receive paralleled that of social workers, although children’s attorneys tended to advocate giving more information. Most attorneys agreed that caregivers should receive as much information as possible about the child. Parents’ attorneys and county counsel felt that they should get very little information about birth parents, in order to preserve confidentiality and so as not to discourage them from supporting reunification. Attorneys were mixed in their opinions about whether caregivers were actually getting the information they needed, with children’s attorneys (who were most likely to have contact with caregivers) arguing that they did not receive enough information and did not receive it in a timely way.

While children's attorneys tended to be open to the idea of more caregivers attending court, parents' attorneys and county counsel were not enthusiastic about that possibility. They raised many concerns, including issues of birth parent confidentiality, demands of the court calendar, and caregivers' emotionality, lack of objectivity, and poor understanding of the law. Many argued that caregiver input was important and welcome, and that there should be a more structured way for caregivers to provide information to the court, but that attending court was not the most appropriate route for doing so.

Judicial Officer Interviews

All of the judges who were interviewed for this study said that they definitely want to receive information from caregivers, particularly any information that can humanize the children and help the judge understand their needs and the quality of their day-to-day lives. Many were open to receiving other feedback (for example, information about birth parents) from caregivers, but they said they view this type of information carefully and tend to give less weight to it than comments from social workers and attorneys. While these judges all said they welcome caregivers in court, the majority preferred to receive input from them in writing rather than orally. This was not due to concerns about demands on the court calendar, but rather because all parties to the case would be better prepared by receiving something in writing in advance of hearings. Many judges suggested that caregivers should regularly submit reports to the court, and several argued that these reports should be mandatory.

Judges agreed that caregivers should have access to as much information as possible about the children in their care, but they had mixed views regarding how much information about birth parents and about case plans they should receive. Birth parents' privacy was cited as a concern, along with concerns about negatively influencing caregivers' opinions about or relations with birth parents. Judges commented on the tensions between caregivers and birth parents that can be inherent in concurrent planning, but several also noted that tensions between caregivers and social workers appear to be much more of a problem than the relationships between birth parents and caregivers.

CONCLUSIONS AND RECOMMENDATIONS

The primary purpose of this study was to examine quantitatively how training in the dependency court process affects caregivers' knowledge and attitudes about participating in court and the likelihood that they will participate. It is important to reiterate that the caregivers who attended the Caregivers and the Courts training were a self-selected sample of individuals who received information about the training and who attended voluntarily. Thus they cannot be considered to be representative of all caregivers in the counties studied or of caregivers overall. Still, the findings presented here suggest very strongly that caregivers want to and can learn and retain relevant knowledge that will assist them in participating effectively in court.

In addition to the primary study objective, this study also began to explore what factors determine how information from caregivers is or could be used in decision making regarding children in care, and what effects might caregiver participation have on the well being of those children. These findings are, of course, qualitative, and thus cannot be assumed to be generalizable to all cases, caregivers, social workers, attorneys, or judges. They do, however, richly illustrate some of the experiences and views of court participants, and they raise important questions for future research and policymaking.

This section addresses each of the three major research questions in turn, summarizing the conclusions and making recommendations for changes in court procedures, training of system participants, and further research that can build on what has been learned from this study. An overarching recommendation, however, is that a multidisciplinary panel, or "stakeholders' meeting," consisting of judicial officers, attorneys, social workers, caregivers, and researchers be convened to review the issues raised by this study and recommend next steps. Since many of the concerns raised here require solutions that depend on coordination and cooperation among the various juvenile system participants, such a response seems essential.

How does training in the dependency court process affect caregivers' knowledge and attitudes about court participation and the likelihood that they will participate?

Conclusion: The Caregivers and the Courts training was found among this sample of caregivers to dramatically increase their knowledge of rights to receive notice and be heard and of the legal process, and these gains in knowledge were retained after the training. In addition, several case study participants noted that they continued to refer to the training materials to answer questions that arose as they participated in court. All system participants agreed that caregivers should have more training regarding the courts. A number of issues arose in discussions with system participants that pointed to areas where the training might be expanded.

Recommendation: Because the training was so effective with this particular sample of caregivers, it should be extended to other counties and assessed to determine whether it is as effective with a larger population of caregivers. Items that might be added to the training curriculum include:

- Identifying the specific hearings that are most appropriate or useful for caregivers to attend;
- Describing the role of each system participant (county counsel, birth parents' attorney, child's attorney, CASA, social worker, court liaison, and judicial officer) and clarifying what information each participant typically has and needs regarding a case;
- Offering "field trips" to court (in person or video) to familiarize caregivers with what actually occurs in the courtroom;
- Outlining the standards for reunification with parents in comparison to the standards to which caregivers are held; and
- Defining what the court can and cannot order to happen in specific cases (perhaps using case study examples);

Specialized training and support may be needed for foster-adopt parents and kin caregivers to address specific issues that arise in these placements, particularly regarding the need to support reunification, developing good working relationships with parents, and resolving problems that may arise during the transition from the caregiver back to the parents.

Conclusion: It appears that participation in training increases the likelihood that caregivers will attend court, although it is not possible to state with certainty because the study did not use a random sample or a control group. When considering the possibility of increased caregiver involvement in the courts, attorneys tended to express concerns about demands on the court calendar, and social workers tended to be concerned that caregivers would come to court with information that the social workers had not been privy to in developing their case plans and court reports. In general, judicial officers welcomed increased caregiver participation in the courtroom, but many of them suggested that it might be most effective for caregivers to provide their input in writing either prior to or as an alternative to appearing in court. Several case study participants also stated a desire for a more structured means for providing written information to the court.

Recommendation: Before taking the training to scale, a panel of judges, attorneys, and social workers, and caregivers should be convened to think through the logistics and implications of large increases in the numbers of caregivers appearing in court. Caregivers should be encouraged to provide information to the court using the new Caregiver Information Form (JV-290), so that they do not arrive at court with information that the parties have not previously been provided with. Training should be offered on how to distribute the form to all parties and how to present the information in court, if desired.

Conclusion: Caregivers are interested in *de facto* parent status, and anecdotal information suggests that training and/or participation in court may increase *de facto* parent applications. Caregivers typically apply for *de facto* parent status because they want access to information about the case, particularly court reports, and they want to be able to be a party to the case. However, the case studies suggest that the extent and type of participation of *de facto* parents varies among jurisdictions and among individual departments within a jurisdiction. Thus some *de facto* parents are active parties to their children's cases and others continue to simply be observers in the back of the courtroom. In one case, the foster parent was told by an attorney she could not be present in the courtroom unless she had *de facto* parent status.

Recommendation: If a primary goal of caregivers in applying for *de facto* parent status is simply to receive copies of court reports, the courts should consider whether more or all of the information in these reports could

routinely be provided to caregivers. In addition, all system participants, not just caregivers need to be trained that caregivers do not need to have *de facto* parent status in order to participate in court. Caregivers should have access to an attorney advisor not affiliated with any cases who could answer general questions regarding court participation.

Conclusion: Participation in the training by families licensed through foster family agencies (FFAs) was low, so it is difficult to determine the effectiveness of the training for these families.

Recommendation: Recruitment for future trainings should focus on obtaining a wider participation from FFA families. Experts familiar with the specific issues of FFA agencies and families should be utilized to develop a better understanding of how to best meet their needs.

What factors determine how the caregiver information is used in decision making?

Conclusion: All the system participants interviewed indicated that they would like to regularly receive information from caregivers about the child's development, needs and adjustment to placement, and whether additional services are warranted. Children's attorneys, in particular, would like to hear from caregivers more than they do currently. In several of the case studies, caregivers' contacts with the children's attorney provided the attorneys with important information about the child and appeared to affect the outcome of the case for the benefit of the child.

Recommendation: Attention should be given to how to strengthen the information exchange between caregivers and children's attorneys. Caregivers should routinely be informed as to who is the child's attorney and how to contact him or her. Social workers should be trained that such contact is appropriate and in the best interests of the child.

Conclusion: System participants sometimes discount information from caregivers because they think caregivers have a bias against birth parents or a "hidden agenda." While caregivers can and do have biases, judges are quick to point out that so do other court participants. Caregivers, on the other hand, often think that

system participants do not recognize and appreciate that their cases involve real children who are harmed by decisions that are made without consideration of their individual situations.

Recommendation: Court participants should have opportunities to better understand the caregivers' perspective and in particular the heightened emotionality that comes from caring for a foster child day-to-day. Courts, dependency court attorneys, and social services agencies should seek out opportunities to interact with caregivers on an informal basis, such as during brown bag lunches or caregiver "field trips" to the court.

Conclusion: Judges cannot utilize caregiver information if they do not get it. In many cases caregivers came to court but did not speak. Caregivers indicated that they would like to speak in court, but did not wish to interrupt the proceedings at an inappropriate time and did not know when was the appropriate moment to make a comment. Few of the judges who were interviewed routinely asked caregivers who came to court if they had anything to say. In the one case observed where a judge routinely asked for input from the caregiver, that input definitely influenced the judge's decisions, for the benefit of the children.

Recommendation: If a caregiver is in the courtroom, the judge should routinely ask whether she or he has anything to add. In addition, caregivers who plan to attend court should be trained to know the appropriate time in the proceedings to make a comment.

Conclusion: Social workers varied in the extent and type of information they gave to caregivers and that they wanted to receive from them, and they were at times unsure about what information they were actually allowed to give them. They tended to discount input from caregivers that had to do with case planning or negative information about birth parents.

Recommendation: Standards should be developed regarding what information social workers should share with caregivers and how it should be shared. Caregivers should be trained in how to better provide information to social workers, in particular how to provide factual information as opposed to unsubstantiated opinions.

Conclusion: Feedback from both caregivers and social workers suggest that social workers are resistant to the idea of involving caregivers in case planning and in court.

Recommendation: Caregivers who wish to be involved in case planning and in court may benefit from specialized training in how to work with other juvenile system participants. This training would include a greater focus on understanding standards for reunification, what it really means to support reunification, building conflict resolution skills for working with other system participants, and a better understanding of the case planning and court processes. Such training could be provided through the community college system, since the colleges already provide post-licensing training for foster parents. Training could be provided in the context of a certificate program that recognizes caregivers who have completed college training and allows them to accrue college credits. Caregivers who are involved in case planning and in court should be trained in how to report on relevant issues such as the child's educational and medical needs, status assessments of the child's development and emotional state, and birth parent visitation. In developing case planning and court training curricula, an investigation could be made into fields that utilize paraprofessionals in order to develop insights into how caseworkers and caregivers might better work together.

Conclusion: The flow of information between caregivers and social workers varied greatly depending on the particular social worker's views on caregiver involvement in case planning and the nature of the relationship between the individual social worker and caregiver. In addition, social workers sometimes felt threatened by the idea of caregiver participation in court, because such participation can further undermine social workers' already low sense of efficacy in court. Many caregivers believed that social workers did not want them in court, and in several case studies the social workers discouraged the caregivers from attending court.

Recommendation: Attention should be given to the social worker-caregiver relationship and to supporting social workers so that they are more effective in dealing with the courts. Training for social workers (within agencies and at social work schools and training academies) should focus on helping social workers understand the benefits of increased caregiver involvement in the

court, and assisting them in facilitating relationships with caregivers and in effectively using caregivers as a resource for the benefit of the child. In addition, a legal resource manual and legal training designed specifically for social workers should be developed to increase the comfort level of social workers in their dealings with the courts. Finally, social worker training should address the fundamental differences between the adversarial legal model and the collaborative social worker model, so that social workers and attorneys can better benefit from each other's expertise.

What effects does caregiver participation have on the well being of children in care?

Conclusion: Judges say that when they hear from caregivers it humanizes the child for them and makes the child "a real person." This, in and of itself, suggests better outcomes for children. Several judges recounted stories of caregivers providing information in court that changed the course of the case, for the benefit of the child. Many system participants say they prefer to get information from caregivers in writing rather than having them come to court, but often writing about a child and his or her situation does not bring their situation to life in the way that talking about them does.

Recommendation: The caregiver report should be required for all review hearings. Caregivers should be trained in how to complete and present the report in a timely and succinct way, and they should be encouraged to attend court to do so.

Conclusion: The case studies indicated that in some cases caregiver participation in court can have a profound impact on outcomes for children, because such participation provided the court with essential information that otherwise would not have been forthcoming. In other cases, the caregivers attended court simply to observe and to get information about the case. Those caregivers felt they benefited from getting more information, but whether it changed the outcomes of the cases is unclear.

Recommendation: If caregivers attend court, they should be encouraged to speak and truly participate. Real participation will require courts to rethink aspects of the process such as where caregivers are seated, how they are announced, and how other participants respond to their presence.

In conclusion, this study has shown that at least some proportion of caregivers want to attend and participate in court; that through training they can greatly increase their knowledge of and comfort with the court process; and that they can effectively participate in court, both in writing and in person. In addition, interviews with system participants as well as observations of caregivers in court indicate that judges, attorneys, and social workers do utilize information from caregivers in decision making, and that caregiver participation in court can positively affect outcomes for children in foster care. This study has also identified a number of issues that will need to be addressed in order to ensure that information from caregivers is utilized effectively. As the courts continue to move forward with implementing ASFA, increased attention to caregiver participation in court will present some challenges, but ultimately such participation appears to be beneficial for, and in the best interests of, children in foster care.